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8 **IN THE UNITED STATES DISTRICT COURT**
9 **FOR THE EASTERN DISTRICT OF CALIFORNIA**
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11 BILLY RAY SHANEE MALDONADO,

12 Plaintiff,

13 v.

14 R. BARTON, et al.,

15 Defendants.
16

No. 2:25-CV-0772-WBS-DMC-P

ORDER

17 Plaintiff, a prisoner proceeding pro se, brings this civil rights action pursuant to
18 42 U.S.C. § 1983. Pending before the Court is Plaintiff's original complaint. See ECF No. 1.

19 The Court is required to screen complaints brought by prisoners seeking relief
20 against a governmental entity or officer or employee of a governmental entity. See 28 U.S.C.
21 § 1915A(a). This provision also applies if the plaintiff was incarcerated at the time the action was
22 initiated even if the litigant was subsequently released from custody. See Olivas v. Nevada ex rel.
23 Dep't of Corr., 856 F.3d 1281, 1282 (9th Cir. 2017). The Court must dismiss a complaint or
24 portion thereof if it: (1) is frivolous or malicious; (2) fails to state a claim upon which relief can
25 be granted; or (3) seeks monetary relief from a defendant who is immune from such relief. See
26 28 U.S.C. § 1915A(b)(1), (2).

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Moreover, the Federal Rules of Civil Procedure require that complaints contain a “. . . short and plain statement of the claim showing that the pleader is entitled to relief.” Fed. R. Civ. P. 8(a)(2). This means that claims must be stated simply, concisely, and directly. See McHenry v. Renne, 84 F.3d 1172, 1177 (9th Cir. 1996) (referring to Fed. R. Civ. P. 8(e)(1)). These rules are satisfied if the complaint gives the defendant fair notice of the plaintiff’s claim and the grounds upon which it rests. See Kimes v. Stone, 84 F.3d 1121, 1129 (9th Cir. 1996). Because Plaintiff must allege with at least some degree of particularity overt acts by specific defendants which support the claims, vague and conclusory allegations fail to satisfy this standard. Additionally, it is impossible for the Court to conduct the screening required by law when the allegations are vague and conclusory.

I. PLAINTIFF’S ALLEGATIONS

Plaintiff filed complaint on March 7, 2025, asserting claims against the following Defendants: 1) Robert Barton, Board of Parole Hearing Commissioner, 2) Daniel Moeller, Associate Deputy, 3) Michael Mette, Associate Deputy, 4) Robert Rasp, District Attorney, 5) Martin Carr, Attorney, 6) Toni White, Attorney, and 7) R. Mosqueda, California Department of Corrections and Rehabilitation Counselor. See ECF No. 1, pgs. 2-4. Plaintiff alleges that Defendants Barton, Moeller, Mette, Carr, White, as well as the “RAP Panel” were not prepared for a parole hearing. See id. at 5. Specifically, Plaintiff alleges manipulation and misrepresentation of state law. See id. According to Plaintiff, Defendant Rasp was not prepared with a “calculation of credits of sentence.” Id. Plaintiff adds: “State appointed attorney. By politics and red tape. Patient was questioned of taking medication if release to society.” Id. Plaintiff also asserts that he asked Defendant Mosqueda for information on the right to freedom of “rehabilitation.” Id. Generally, Plaintiff alleges that he was “deprived of a right for rehab housing” services and that state law was interpreted incorrectly by California state officials. Id. Plaintiff further alleges that his state-appointed attorney did not pursue this “false interpretation” as a cause of action. Id.

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1 In Plaintiff's second claim, Plaintiff alleges he was "overlooked by a decision"
2 made by the "RAP Panel." Id. at 6. Plaintiff appears to make this allegation against Defendant
3 Barton, but it is unclear this defendant's role was with respect to this allegation. Next, Plaintiff
4 alleges that Defendant Moeller did not pursue the situation, apparently in violation of some
5 unspecified code of conduct. See id. Plaintiff asserts that it was a "violation of state law to view
6 all the documents" and that there were "numerous errors by RAP Panel / board." Id. Plaintiff
7 next alleges that Defendant Mette "did not pursue the situation was out of context by code of
8 conduct" and that no correction was made to the errors. Id. Plaintiff alleges that Defendant Rasp
9 "never made sure the correct sentence of credits." Id. It is unclear what is being alleged in the
10 following sentences: "By the Department of Public Office. Plaintiff further claims that Defendant
11 Carr did not state any grounds for relief or any cause of action in the case file as "ordered by state
12 law under oath." Id. Plaintiff next alleges that Defendant White stated a "right to freedom to
13 purchase read it would patient to get release. Case file was not in order..." Id. Plaintiff claims that
14 Mosqueda "could not give a straight answer" and cites the uniform code of conduct. Id. Plaintiff
15 states that "Patient believes that there has not been a full investigation by those in place of
16 authority." Id. Plaintiff appears to contend that there were numerous decision errors, apparently
17 with respect to parole eligibility. See id.

18 In Plaintiff's third claim, Plaintiff alleges that Defendant Barton deprived Plaintiff
19 of a right of law prohibiting discrimination because of race, creed, or color. See id. at 7. Plaintiff
20 alleges that Defendants Moeller and Mette deprived him of a right by law, stating that "no person
21 shall be deprive of life, liberty, or property without due process." Id. Plaintiff alleges that
22 Defendants Rasp, Carr, and White deprived his rights, stating that "no person shall be placed
23 twice in jeopardy for the same offense." Id. Next, Plaintiff alleges that Defendant Mosqueda
24 deprived his rights stating that there "shall be no discrimination because of race, creed, color,
25 origin, or sexuality." Id. Finally, Plaintiff references an executive order issued by President
26 Donald Trump, but it is unclear what executive order Plaintiff is referencing as well as the
27 relevance of said order. See id.

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II. DISCUSSION

The Court finds that Plaintiff has not stated a cognizable claim against Defendants. Plaintiff's complaint has not alleged sufficient facts to establish a causal link between Defendants' actions and any constitutional violation. Additionally, Plaintiff appears to challenge the results of his parole hearing which does not constitute a cognizable claim under 42 U.S.C. § 1983. For these reasons, Plaintiff will be provided an opportunity to amend.

To state a claim under 42 U.S.C. § 1983, the plaintiff must allege an actual connection or link between the actions of the named defendants and the alleged deprivations. See Monell v. Dep't of Social Servs., 436 U.S. 658 (1978); Rizzo v. Goode, 423 U.S. 362 (1976). "A person 'subjects' another to the deprivation of a constitutional right, within the meaning of § 1983, if he does an affirmative act, participates in another's affirmative acts, or omits to perform an act which he is legally required to do that causes the deprivation of which complaint is made." Johnson v. Duffy, 588 F.2d 740, 743 (9th Cir. 1978). Vague and conclusory allegations concerning the involvement of official personnel in civil rights violations are not sufficient. See Ivey v. Board of Regents, 673 F.2d 266, 268 (9th Cir. 1982). Rather, the plaintiff must set forth specific facts as to each individual defendant's causal role in the alleged constitutional deprivation. See Leer v. Murphy, 844 F.2d 628, 634 (9th Cir. 1988).

Plaintiff appears to allege that Defendants generally deprived Plaintiff of constitutional rights. However, Plaintiff does not set forth specific facts as to each individual defendant's casual role in the alleged deprivation of constitutional rights. Plaintiff often states only that certain defendants deprived Plaintiff of his rights. See ECF No. 1, pg. 5-7. No supporting facts are provided that indicate specific actions taken by individual defendants, nor are facts alleged as to how any charged actions caused the deprivation of constitutional rights alleged. Lacking supporting facts, the allegations are vague and conclusory and are therefore insufficient to establish the necessary causal link between the Defendant's conduct and the alleged constitutional deprivation. Plaintiff will be provided the opportunity to amend.

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Next, when a state prisoner challenges the legality of his custody and the relief he seeks is a determination that he is entitled to an earlier or immediate release, such a challenge is not cognizable under 42 U.S.C. § 1983 and the prisoner's sole federal remedy is a petition for a writ of habeas corpus. See Preiser v. Rodriguez, 411 U.S. 475, 500 (1973); see also Neal v. Shimoda, 131 F.3d 818, 824 (9th Cir. 1997); Trimble v. City of Santa Rosa, 49 F.3d 583, 586 (9th Cir. 1995) (per curiam). Thus, where a § 1983 action seeking monetary damages or declaratory relief alleges constitutional violations which would necessarily imply the invalidity of the result of a parole hearing, such a claim is not cognizable under § 1983 unless the result has first been invalidated on appeal, by habeas petition, or through some similar proceeding. See Butterfield v. Bail, 120 F.3d 1023, 1024-25 (9th Cir. 1997) (concluding that § 1983 claim not cognizable because allegations of procedural defects were an attempt to challenge substantive result in parole hearing).

In the context of the denial of parole, Plaintiff alleges Defendants deprived Plaintiff of constitutional rights. See ECF No. 1, pg. 7. Additionally, Plaintiff cites “numerous decision errors” with respect to parole eligibility, apparently challenging the findings at a parole board hearing. Id. at 6. As stated above, challenges to underlying convictions and sentences, including substantive results in parole hearings to determine suitability for release, are not cognizable under § 1983 absent a showing that the parole denial has been set aside. See Butterfield v. Bail, 120 F.3d 1023, 1024-25 (9th Cir. 1997). Plaintiff will be provided leave to amend to allege additional facts regarding his claims related to the denial of parole.

III. CONCLUSION

Because it is possible that the deficiencies identified in this order may be cured by amending the complaint, Plaintiff is entitled to leave to amend. See Lopez v. Smith, 203 F.3d 1122, 1126, 1131 (9th Cir. 2000) (en banc). Plaintiff is informed that, as a general rule, an amended complaint supersedes the original complaint. See Ferdik v. Bonzelet, 963 F.2d 1258, 1262 (9th Cir. 1992). Therefore, if Plaintiff amends the complaint, the Court cannot refer to the prior pleading to make Plaintiff's amended complaint complete. See Local Rule 220. An amended

1 complaint must be complete in itself without reference to any prior pleading. See id.

2 If Plaintiff chooses to amend the complaint, Plaintiff must demonstrate how the
3 conditions complained of have resulted in a deprivation of Plaintiff's constitutional rights. See
4 Ellis v. Cassidy, 625 F.2d 227 (9th Cir. 1980). The complaint must allege in specific terms how
5 each named defendant is involved and must set forth some affirmative link or connection between
6 each defendant's actions and the claimed deprivation. See May v. Enomoto, 633 F.2d 164, 167
7 (9th Cir. 1980); Johnson v. Duffy, 588 F.2d 740, 743 (9th Cir. 1978).

8 Finally, Plaintiff is warned that failure to file an amended complaint within the
9 time provided in this order may be grounds for dismissal of this action. See Ferdik, 963 F.2d at
10 1260-61; see also Local Rule 110. Plaintiff is also warned that a complaint which fails to comply
11 with Rule 8 may, in the Court's discretion, be dismissed with prejudice pursuant to Rule 41(b).
12 See Nevijel v. North Coast Life Ins. Co., 651 F.2d 671, 673 (9th Cir. 1981).

13 Accordingly, IT IS HEREBY ORDERED that:

- 14 1. Plaintiff's original complaint, ECF No. 1, is dismissed with leave to
15 amend; and
16 2. Plaintiff shall file a first amended complaint within 30 days of the date of
17 service of this order.

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19 Dated: June 5, 2025



DENNIS M. COTA
UNITED STATES MAGISTRATE JUDGE